

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE:	§	
	§	<b>CIVIL ACTION NO. H-06-2439</b>
BOCA DEL RIO PROPERTIES, INC.,	§	Bankruptcy Case No. 05-83456
Debtor/Appellant.	§	

**DISMISSAL ORDER**

On August 21, 2006, Debtor/Appellant Boca Del Rio Properties, Inc.'s appeal from the United States Bankruptcy Court for the Southern District of Texas was docketed under Bankruptcy Rule 8007(b). *See* Notice of Docketing [Doc. # 4]. Bankruptcy Rule 8009(a)(1) provides that the Appellant shall serve and file a brief within fifteen (15) days after the entry of the appeal on the District Court's docket. This deadline has expired and Appellant has neither filed its brief nor requested an extension of time to do so.

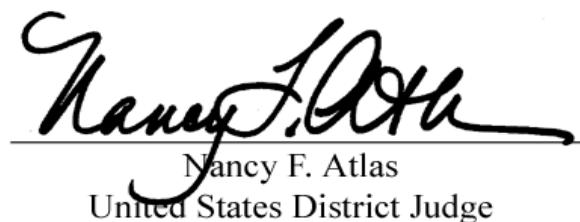
Under Bankruptcy Rule 8001(a), "Failure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court or bankruptcy appellate panel deems appropriate, which may include dismissal of the appeal." Because Appellant has failed to take important and necessary action in furtherance of its appeal, the Court concludes that the procedural omission warrants dismissal of the appeal. *See M.A. Baheth & Co.*

*v. Schott (Matter of M.S. Baheth Construction Co.),* 118 F.3d 1082, 1083-84 (5th Cir.

1997), *cert. denied*, 522 U.S. 1092 (1998). Accordingly, it is hereby

**ORDERED** that this case is **DISMISSED** without prejudice for want of prosecution and failure to comply with the Bankruptcy Rules.

SIGNED at Houston, Texas this **11th** day of **September, 2006**.



Nancy F. Atlas  
Nancy F. Atlas  
United States District Judge